

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOHN BUSSIAN,)	
)	
Plaintiff,)	
)	
v.)	1:004CV387
)	
DAIMLERCHRYLSEER CORPORATION,)	
DAIMLERCHRYSLER AG,)	
DAIMLERCHRYSLER MOTORS)	
COMPANY OF DELAWARE, LLC, and)	
DAIMLERCHRYSLER NORTH)	
AMERICA HOLDING CORPORATION,)	
)	
Defendants.)	

ORDER

OSTEEN, District Judge

The court has before it this Standing Order 30 case in which the Magistrate Judge entered an order and recommendation. Plaintiff timely objected to the recommendation and Defendants responded.

Plaintiff filed a motion for stay of the order and recommendation to allow review of the objections by the District Court Judge. Defendants¹ consented to the motion for stay. Magistrate Judge Sharp granted the stay until such time as the

¹ DaimlerChrylser Corporation, DaimlerChrysler Motors Company of Delaware, LLC, and DaimlerChrysler North America Holding Corporation.

outstanding objections are reviewed and ruled upon by the District Court Judge.

The record has been reviewed by this court, and it is the opinion of this court that the recommendation is in accord with the facts and the prevailing law. The court adopts the recommendation of the Magistrate Judge entered November 3, 2005, as its own findings and conclusions.

IT IS THEREFORE ORDERED that Defendants' motion to dismiss [Doc. No. 33] is **DENIED** as to Plaintiff's claim for breach of express warranties.

IT IS FURTHER ORDERED that Defendants' motion to dismiss [Doc. No. 33] is **GRANTED** as to Plaintiff's claims for breach of the implied warranty of merchantability, violation of the Magnuson-Moss Warranty Act, and violation of the North Carolina Unfair or Deceptive Trade Practices Act, and the claims are dismissed with prejudice.

IT IS FURTHER ORDERED that the motions to intervene [Doc. Nos. 24, 37, 54] are **GRANTED**.

This the 24th day of January 2006.


United States District Judge